

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No: 201243590
Issue No: 5032
Case No: [REDACTED]
Hearing Date: May 2, 2012
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 4, 2012. After due notice, a telephone hearing was held on Wednesday, May 2, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined that the Claimant is no longer eligible for Temporary Housing Assistance (THA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for Temporary Housing Assistance (THA) on November 4, 2012.
2. On November 18, 2011, the Department denied the Claimant's Temporary Housing Assistance (THA) request because she had failed to meet the requirements of the program.
3. The Claimant submitted a second request for Temporary Housing Assistance (THA) on February 22, 2012.
4. The Department denied the Claimant's Temporary Housing Assistance (THA) request because it determined that he housing is not affordable.
5. The Department received the Claimant's request for a hearing on April 4, 2012, protesting the denial of her Temporary Housing Assistance (THA) application.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

On November 4, 2012, the Claimant applied for Temporary Housing Assistance (THA) after her Family Independence Program (FIP) benefits had been terminated due to exceeding the benefit cap. On November 18, 2011, the Department denied her request because she had failed to meet the requirements of the program. The Claimant failed to utilize Michigan Works Agency resources on a weekly basis, which is a requirement of the Temporary Housing Assistance (THA) program.

On February 22, 2012, the Claimant submitted a request for Temporary Housing Assistance (THA) and notified the Department that this was a second request. The Department denied the Claimant's request because it determined that her housing is not affordable. Clients of the Family Independence Program (FIP) whose benefits were terminated as a result of the implementation of the lifetime benefit cap are eligible for three consecutive months of Temporary Housing Assistance (THA) benefits. In this case, the Claimant's three months of Temporary Housing Assistance (THA) eligibility had been exhausted before her February application.

The Claimant argued that she was not aware of the requirements of the Temporary Housing Assistance (THA) program, and that she was prevented from participation in Michigan Works Agency programming due to her incarceration in jail. There is no evidence that the Claimant reported her incarceration in a timely manner.

Participation in Michigan Works Agency programming is a requirement of the Temporary Housing Assistance (THA) program. This Administrative Law Judge finds that the Claimant failed to report her incarceration in a timely manner. The Claimant sent the Claimant notice of the program to her address on record.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In this case, the Claimant failed to rebut the presumption of receipt.

Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's Temporary Housing Assistance (THA) request. The Claimant's housing is considered to be not affordable. As a former Family Independence Program (FIP) recipient, the Claimant was eligible for three months of Temporary Housing Assistance (THA) benefits, which had expired when she submitted an application on February 22, 2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied the Claimant's Temporary Housing Assistance (THA) application because she had exceeded her eligibility period.

The Department's Temporary Housing Assistance (THA) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 30, 2012

Date Mailed: May 30, 2012

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

KS/tb

cc:

